

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

**SUIZA DAIRY INC., et al.,
Plaintiffs**

v.

CIVIL NO. 04-1840(DRD)

**LUIS RIVERO CUBANO, et al.,
Defendants**

ORDER

MOTION	RULING
<p>Date Filed: 05/25/05 Docket #108 <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Intervenor <input type="checkbox"/> Defendant</p> <p>Title: Informative Motion Regarding Necessary Changes to the Transcript of the Evidentiary Hearing</p>	<p>MOOT. The Court notes that Magistrate Judge Aida Delgado issued an Order at Docket No. 121, providing the remedies requested by plaintiffs.</p>
<p>Date Filed: 05/10/05 Docket #124 <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Intervenor <input type="checkbox"/> Defendant</p> <p>Title: Motion to Dismiss First and Fourth Causes of Action Under Rule 12(b)(1) and Request for the Court to Refrain From Exercising its Jurisdiction as to Other Causes of Action Pursuant to the Burford Abstention</p>	<p>DENIED WITHOUT PREJUDICE AS PREMATURE. The Court granted leave to Plaintiffs to submit an Amended Complaint (Docket No. 142). Hence dispositive motion may be resubmitted to incorporate all claims asserted by plaintiffs'.</p>
<p>Date Filed: 05/13/05 Docket #126 <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Intervenor <input type="checkbox"/> Defendant</p> <p>Title: PRDFA's Motion to Dismiss the Complaint</p>	<p>DENIED WITHOUT PREJUDICE AS PREMATURE. The Court granted leave to Plaintiffs to submit an Amended Complaint (Docket No. 142). Hence dispositive motion may be resubmitted to incorporate all claims asserted by plaintiffs'.</p>

<p>Date Filed: 05/13/05 Docket #128 <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant Title: Defendants' Motion to Dismiss the Complaint Pursuant to Fed.R.Civ.P. 12(b)(1) and (6) and to Deny Motion for Injunctive Relief</p>	<p>DENIED WITHOUT PREJUDICE AS PREMATURE. The Court granted leave to Plaintiffs to submit an Amended Complaint (Docket No. 142). Hence dispositive motion may be resubmitted to incorporate all claims asserted by plaintiffs'.</p>
<p>Date Filed: 05/25/05 Docket #131 <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant Title: Motion Requesting Entry of Default Pursuant to Fed.R.Civ.P. 55(b)(2)</p>	<p>DENIED. See Minutes of Proceedings at Docket No. 138.</p>
<p>Date Filed: 06/10/05 Docket #141 <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant Title: Informative Motion</p>	<p>NOTED. The Court notes that plaintiff has complied providing defendants with a list requesting to reconsider their answers to the complaint.</p>
<p>Date Filed: 06/13/05 Docket #142 <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant Title: Motion Requesting Leave to Amend the Complaint</p>	<p>GRANTED. See, Rule 15(a), Fed.R.Civ.P.; <i>Foman v. Davis</i>, 371 U.S. 178, 182 (1962). The Preliminary Injunctive Hearing is scheduled as set. Further, Defendants and Intervenors shall file their answers to the complaint within twenty (20) days.</p>
<p>Date Filed: 06/21/05 Docket #145 <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant Title: Motion Requesting Mediation</p>	<p>DENIED. The Court notes that mediation is a "two way street" which plaintiffs are reluctant to enter. Since the plaintiffs have not entered consent to mediate (Docket No. 155) defendants request for mediation is denied.</p>
<p>Date Filed: 06/24/05 Docket #149 <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Intervenor <input type="checkbox"/> Defendant Title: Motion Joining Request for Mediation</p>	<p>DENIED AS MOOT. See ruling at Docket No. 145.</p>

<p>Date Filed: 06/24/05 Docket #151 [X] Plaintiff [] Defendant Title: Motion Requesting Leave to Sur-reply to Indulac's Reply to Defendants' Opposition to Indulac's Motion to Dismiss and for a Brief Extension of Time to File Same.</p>	<p>MOOT. See ruling at Docket No. 124.</p>
<p>Date Filed: 06/24/05 Docket #154 [] Plaintiff [X] Intervenor [] Defendant Title: Motion Joining Request for Mediation</p>	<p>DENIED. See ruling at Docket No. 145.</p>
<p>Date Filed: 06/27/05 Docket #156 [] Plaintiff [X] Defendant Title: Defendants' Motion Joining Indulac's Reply Brief to Plaintiffs' Opposition to Motion to Dismiss and to Indulac's Opposition to Plaintiffs' Motion for Leave to Amend the Complaint</p>	<p>As to the request to join in the opposition to leave to amend the complaint, DENIED AS MOOT. See ruling at Docket No. 142. As to the request joining Reply, NOTED.</p>

IT IS SO ORDERED.

In San Juan, Puerto Rico this 27th day of June 2005.

S/DANIEL R. DOMINGUEZ
DANIEL R. DOMINGUEZ
U.S. DISTRICT JUDGE